

Amendment and Response
Serial No. 10/623,839
Art Unit: 2676

REMARKS

Claims 1-17 are presently pending. Claims 1, 2, 8, and 9 are rejected. Claims 7 and 14-17 are allowed. Claims 3-6 and 10-13.

"Claims 1-2, and 8-9 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4, 9-11, 12, 19, 22-23, 27 of U.S. Patent No. 6,636,222 ('222 Patent).' Final Office Action, p. 3. However, a "terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a non-statutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b)." Id. at 2.

Accordingly, Assignee presents Examiner with a terminal disclaimer, thereby overcoming the foregoing rejection. Therefore, claims 1, 2, 8, and 9, as well as dependent claims 3-6 and 10-13 now stand in a condition for allowance.

Conclusion

For the foregoing reasons, each of the pending claims in the present application are allowable, thereby placing the application in a condition for allowance. Assignee respectfully requests a notice to that affect.

Dated: April 10, 2006

Respectfully submitted,

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